

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
MICHAEL E. KING,**

Plaintiff,

**8:19-cv-1057
(GLS/DJS)**

v.

BOB ROSS et al.,

Defendant.

ORDER

The above-captioned matter comes to this court following a Report-Recommendation and Order by Magistrate Judge Daniel J. Stewart duly filed on October 8, 2019. (Dkt. No. 5.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Report-Recommendation and Order for clear error, it is hereby

ORDERED that the Report-Recommendation and Order (Dkt. No. 5) is **ADOPTED** in its entirety; and it is further

ORDERED that Plaintiff's Title VII claims against defendants Bob Ross, Katie Katzpatrick, and Jessica Cole are **DISMISSED**; and it is further

ORDERED that Plaintiff's First Amendment claim is **DISMISSED**

WITHOUT PREJUDICE; and it is further

ORDERED that the remaining claims may proceed: (1) a Title VII claim against defendant St. Joseph's Rehabilitation Center, Inc.; (2) a New York Human Rights Law claim against all defendants; and (3) a contract claim against St. Joseph's Rehabilitation Center, Inc.; and it is further

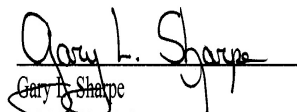
ORDERED that the Clerk shall issues summonses and forward them with copies of the complaint, USM-285 forms and packets containing General Order 25, which sets forth this districts Civil Case Management Plan, to the United States Marshal for service upon defendants; and it is further

ORDERED that a response to the complaint shall be filed by defendants or their counsel as provided for in the Federal Rules of Civil Procedure; and it is further

ORDERED that the Clerk provide a copy of this Order to plaintiff in accordance with the Local Rules of Practice.

IT IS SO ORDERED.

November 19, 2019
Albany, New York



Gary L. Sharpe
U.S. District Judge